

## SUPPORTING STATEMENT

OMB No. 1125-0012

### **Request for New Recognition, Renewal of Recognition, Extension of Recognition of a Non-profit Religious, Charitable, Social Service, or Similar Organization Form EOIR-31**

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#### **Part A. Justification**

1. Necessity of Information Collection - The Executive Office for Immigration Review (EOIR) seeks an extension with changes of a currently approved information collection (OMB#1125-0012) for the recognition of a Non-profit Religious, Charitable, Social Service, or Similar Organization. Regulations prescribe who may represent individuals in immigration proceedings. The Office of Legal Access Programs (OLAP) may accord recognition to organizations to practice before EOIR and the Department of Homeland Security (DHS). *See* 8 C.F.R. §§ 1292.11, 1292.13(a).

An organization is eligible for recognition if it meets regulatory and relevant Board case law requirements. Specifically, the organization must: be a non-profit religious, charitable, social service or similar organization established in the United States; successfully establish before the OLAP that it charges only nominal fees and no excessive membership dues for persons seeking assistance; and, demonstrate that it has available sufficient knowledge, information, and experience. 8 C.F.R. §§ 1292.11(a)(1), 1292.11(a)(4). The organization applies for recognition by submitting a Form EOIR-31 to OLAP, and serving a copy of the Form EOIR-31 on the local District Director of the U.S. Citizenship and Immigration Services (USCIS) of DHS and the local Chief Counsel of the

U.S. Immigration and Customs Enforcement (ICE) of DHS. 8 C.F.R. § 1292.13(a).

The Form EOIR-31 collects basic information about the organization, including a description of its funding sources, the immigration law resources and knowledge available to the organization, the resumes and immigration training of its employees, and its organizational structure. This information is necessary to prevent fraud and ensure that the organization has available the requisite knowledge and skill to represent individuals in immigration proceedings, and that it does not charge high fees or dues for individuals seeking assistance.

EOIR has made a number of changes to the form and the instructions in an effort to provide greater clarity of purpose and the needs and uses of the information collected. For example, the new *Extension of Recognition* section differentiates between Extended Recognition and Separate Recognition, which has been a confusing issue for organizations since the transition in 2017. The revised form asks additional information about the organization's legal name, address specifics for physical addresses and mailing addresses, and information as to whether the Authorized Officer previously applied for recognition of another organization. Specifically, to determine whether satellite office meets requirements for extension of recognition under 8 CFR 1292.15, EOIR will collect documentation demonstrating: frequency with which principal organization conducts inspections of proposed extension office(s); joint operations between principal organization and proposed extension office(s); joint management structure; and joint

funding sources and financial oversight. Revised Part 3 asks Yes/No questions regarding the basic requirements of a Recognized Organization following the language of 8 C.F.R. § 1292.11 and if the organization if it is a religious, charitable, social service, or similar organization. On the current version of the form, EOIR asks for the resume(s) of any attorney(s) licensed in the U.S. and in good standing on staff, while the revised form asks for a description of qualifications, experience, and breadth of immigration knowledge. This information is necessary to ensure the attorney provides what his/her immigration background is so that EOIR can determine if this attorney would be a competent resource for immigration law questions. Additional changes have been made to streamline the form, revise and remove unnecessary information collected, and better organize the information collected as described in the narrative of changes attached to the supporting statement.

2. Needs and Uses - The application for recognition of an organization (Form EOIR-31) is filed with and adjudicated by EOIR. OLAP receives and processes requests for recognition of an organization. The application is considered by OLAP, as well as USCIS and ICE, which are served with the application, and may respond to it. Careful review of the Form EOIR-31 application materials is necessary to prevent the recognition of fraudulent or unqualified organizations and ensure that only those organizations with sufficient immigration knowledge available to them and that charge no more than nominal fees for their services should be recognized. Only these recognized organizations may then present themselves to the public as authorized to employ

accredited representatives to represent individuals before EOIR and/or DHS.

3. Use of Technology - The use of this form provides the most efficient means for collecting and processing the required data. The Form EOIR-31 is available on EOIR's website for printing. The information can be typed into the online form, which is then printed out for submission to the agency, or the form can be printed in its entirety and then completed by typing or printing legibly. Currently, EOIR only has limited automated capabilities in place to accept the electronic submission of certain forms. However, EOIR is exploring a number of electronic document initiatives, including electronic submission of additional EOIR forms.

4. Efforts to Identify Duplication - The only method for an organization to apply for recognition is to file the Form EOIR-31. A review of EOIR's forms revealed no duplication of effort, and there is no other similar information currently available that can be used for this purpose.

5. Impact on Small Businesses - This collection has an impact on small businesses or other small entities to the extent they are non-profit organizations applying to OLAP for recognition before EOIR and/or DHS. However, this collection does not impose undue burden on these non-profit organizations; instead, the requested information is necessary for OLAP's determination of the recognition request. The information collection seeks photocopies of pre-existing materials, where applicable, and summaries of information.

EOIR estimates that it will take approximately two hours to complete the form for new recognition and seven hours to complete the form for renewal of recognition and produce the requested documents.

6. Consequences of Less Frequent Collection - Failure to collect this information would deprive the organization of establishing eligibility for recognition.

7. Special Circumstances Influencing Collection - None of the eight special circumstances identified in OMB instruction number 7 apply to this collection.

8. Federal Register Publication and Consultation- A 60-day notice covering this collection was published in the Federal Register on September 5, 2019 (84 FR 46759). A 30-day notice covering this collection will be published in the Federal Register. If comments are received, they will be considered and incorporated where appropriate.

9. Payment or Gift to Claimants - EOIR does not provide any payment or gifts to parties in immigration proceedings or their attorneys or representatives, including recognized organizations.

10. Assurance of Confidentiality - EOIR's Recognition and Accreditation Coordinator maintains the original application. Those EOIR staff members processing the application may access the Form EOIR-31. EOIR protects the confidentiality of the contents of the Form EOIR-31, to the extent permitted by law, including the Privacy Act and the

Freedom of Information Act.

11. Justification for Sensitive Questions - There are no questions of a sensitive nature in the Form EOIR-31.

12. Estimate of Hour Burden

**New Recognition**

a. Number of Respondents	129
b. Number of Responses per Respondent	1
c. Total Annual responses	129
d. Hours per response	2
e. Total annual hourly reporting burden	258

The total annual reporting burden is derived by multiplying the number of respondents (129) by the frequency of response (1) by the number of hours per response (2 hours):  
 $129 \text{ respondents} \times 1 \text{ response per respondent} \times 2 \text{ hours per respondent} = 258 \text{ burden hours.}$

**Renewal of Recognition**

a. Number of Respondents	131
b. Number of Responses per Respondent	1
c. Total Annual responses	131
d. Hours per response	7
e. Total annual hourly reporting burden	917

The total annual reporting burden is derived by multiplying the number of respondents

(131) by the frequency of response (1) by the number of hours per response (7 hours):  
131 respondents x 1 response per respondent x 7 hour per respondent = 917 burden hours.

### 13. Estimate of Cost Burden

There are no capital or start-up costs associated with this information collection. The estimated public cost is zero.

For informational purposes only, there may be additional costs to respondents.

Respondents may incur a cost if they hire a private practitioner to assist them with completing the Form EOIR-31. The Bureau of Labor Statistics reports that the median hourly wage for lawyers is \$58.13. The estimated public cost is a maximum of \$68,302. This amount is reached by multiplying 1175 (new+renewal) burden hours by \$58.13 (the current median hourly wage for attorneys. For those respondents who proceed without a practitioner, there is an estimated cost of \$10 per hour for completing the form (the individuals' time and supplies) in lieu of the practitioner cost. There are also no fees associated with filing the Form EOIR-31.

14. Estimated Cost to Federal Government - It is estimated that the annual government cost for printing, distributing, stocking, processing and maintaining the Form EOIR-31 is \$700 (new plus renewal) for EOIR.

15. Reason for Change in Burden – There is an increase in the burden due to an increase

in the number of respondents annually.

16. Plans for Publication - The information from this collection is used internally to process the applications for recognition.

17. Exceptions to Certification Statement - EOIR does not request an exception to the certification of this information collection.

**Section B. Collection of Information Employing Statistical Methods**

This collection does not employ statistical methods.



**PAPERWORK CERTIFICATION**

In submitting this request for OMB approval, I certify that the requirements of the Privacy Act and OMB directives have been complied with, including paperwork regulations, any applicable statistical standards or directives, and any other information policy directives promulgated under 5 C.F.R. § 1320.

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Christina Baptista  
Senior Counsel for Immigration  
Executive Office for Immigration Review

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Date